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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAMMIE LEE RELERFORD, JR.,     )  
11                                   Petitioner,     )  
12                                   v.             )  
13 J. WALKER, Warden,             )  
14                                   Respondent.     )  
15

No. C 07-5281 MMC (PR)  
**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**  
**(Docket No. 4)**

16           On October 17, 2007, petitioner, a California prisoner proceeding pro se, filed the  
17 above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 11,  
18 2008, the Court reviewed the petition and found it presents claims challenging a 1996  
19 sentence that was the subject of petitioner's prior federal habeas corpus petitions. As  
20 petitioner had not sought or obtained an order from the Ninth Circuit authorizing him to file a  
21 second or successive petition in the district court, the Court dismissed the petition without  
22 prejudice to petitioner's refiling the petition if he obtains the necessary order.

23           Petitioner has now filed a notice of appeal, which the Court construes as including a  
24 request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of  
25 Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).  
26 Petitioner has not shown, however, "that jurists of reason would find it debatable whether the  
27 petition states a valid claim of the denial of a constitutional right and that jurists of reason  
28 would find it debatable whether the district court was correct in its procedural ruling." Slack  
v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of

1 appealability is hereby DENIED.

2 The Clerk shall forward this order, along with the case file, to the United States Court  
3 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of  
4 appealability. See Asrar, 116 F.3d at 1270.

5 This order terminates Docket No. 4.

6 IT IS SO ORDERED.

7 DATED: July 1, 2008

  
MAXINE M. CHESNEY  
United States District Judge